



## STATE OF NEVADA

### BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the  
Request for Opinion concerning  
the conduct of LYNETTE BOGGS,  
former Member, Board of Commissioners  
Clark County, State of Nevada.

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Request for Opinion No.: 06-70

#### EXECUTIVE DIRECTOR'S SUPPLEMENTAL REPORT AND RECOMMENDATION REGARDING JUST AND SUFFICIENT CAUSE

The following is the Executive Director's supplemental report and recommendation based on the additional information requested during the Panel Proceeding held on January 10, 2008 (TAB 1).

During the proceeding, the Panel members requested staff to obtain the following additional information:

- A Response from Boggs explaining why she did not list the business entity that purchased the Arizona property, *LSAR, LLC*, on her *Nevada Financial Disclosure Statements*.
- Specific documentation relative to the sampling of other sales transactions of property located within the same subdivision in which Boggs purchased the Arizona property.

A Response was received through Boggs' attorney on January 22, 2008. Boggs stated that *LSAR, LLC* did not exist prior to the filing of her 2005 *Nevada Financial Disclosure Statement*. Boggs acknowledged that "*LSAR, LLC* was not listed in the 2006 and 2007 *Nevada Financial Disclosure Statements*, but that the information was a matter of public record in the records of the Nevada Secretary of State's office." Ms. Boggs further stated that "the information sought by the *Nevada Financial Disclosure Statements* was already in the public record and domain and any failure to list *LSAR, LLC*, and [Boggs] as a managing member thereof in the 2006 and 2007 *Nevada Financial Disclosure Statements* was unintentional and an oversight" (TAB 2).

A *Subpoena Duces Tecum* was served upon Nevada Title Company on January 17, 2008 to obtain the transaction documentation requested by the Panel members. The documentation came from files that Nevada Title Company had referred to in an e-mail correspondence dated January 7, 2008 as "a sampling of other transactions in the subdivision" which had contract

**Executive Director's Supplemental Report And Recommendation  
Regarding Just And Sufficient Cause (continued)**

terms and conditions similar to the Boggs transaction. Sales contracts, escrow instructions and closing statements on four transactions were received from Nevada Title Company (TAB 3).

A comparison of the contract terms in the Boggs transaction to those of the other four transactions indicates that Boggs' contract required little or no funds to close escrow, whereas, the other contracts required six percent or more of the purchase price to close escrow. Additionally, Boggs' loan payment commencement date was scheduled to begin one year after close of escrow. However, the loan payments on the other contracts commenced within one or two months of close of escrow.

**Conclusions and Recommendations:**

On the issue of Boggs *Financial Disclosure Statement(s)*, the following are the Executive Director's conclusions and recommendations submitted in her previous report dated January 4, 2008, together with the conclusions and recommendations of this supplemental report.

Sufficient credible evidence supports a finding the Boggs violated the provisions of NRS 281A.620. Boggs was required to disclose the \$100,000 loan, and the \$25,000 buyer credit on her *Financial Disclosure Statement(s)* relative to her Arizona property. NRS 281A.620.1(d) requires a public officer to disclose the name of each creditor to whom the public officer or a member of the public officer's household owes \$5,000 or more. One exception is that a public officer is not required to disclose a debt secured by a mortgage or deed of trust on a personal residence. NRS 281A.620.1(c). Although the \$100,000 loan is secured by a deed of trust, the property is undeveloped land in Arizona purchased by Boggs in May 2005. The property is not her personal residence. NRS 281A.620.1(e) requires a public officer to disclose gifts in excess of an aggregate value of \$200 from a donor, including the identity of the donor and value of each gift. NRS 281A.620.1(f) requires a public officer to list each business entity with which the public officer is involved. Boggs failed to disclose *LSAR, LLC* on her 2006 and 2007 *Nevada Financial Disclosure Statements*.

It is recommended that the Panel find that just and sufficient cause **DOES EXIST** for the Commission to hold a hearing and render an opinion in this matter relating to the provisions of NRS 281A.620.

**REPORT PREPARED BY:**

Matt C. DiOrio DATED: 2/6/08  
MATT C. DI ORIO  
SENIOR INVESTIGATOR

**APPROVAL AND RECOMMENDATION BY:**

Patricia D. Cafferata DATED: February 6, 2008  
PATRICIA D. CAFFERATA, ESQ.  
EXECUTIVE DIRECTOR